

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) No. 08 CR 401-16  
 ) Hon. James B. Zagel  
 DWAYNE GARRETT )

**INFORMATION STATING PREVIOUS DRUG CONVICTION TO BE  
RELIED UPON IN SEEKING INCREASED PUNISHMENT**

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, hereby files this Information Stating Previous Conviction to Be Relied Upon in Seeking Increased Punishment pursuant to 21 U.S.C. § 851(a):

In the event the defendant is convicted of the offense under Title 21, United States Code, Section 841(a)(1) charged in Count Nine of the Indictment in this case, the United States shall seek increased punishment pursuant to Title 21, United States Code, Section 841(b) based on the following conviction for a felony drug offense which became final prior to the commission of the offense charged in Count Nine of the Indictment:

(1) On or about October 21, 1993, the defendant was convicted of possession of a controlled substance other than methamphetamine, in the Circuit Court of Cook County, Illinois, in case number 93CR1982101. The defendant was sentenced to 6 months of probation.

WHEREFORE, the government gives notice that defendant has at least one prior

conviction for a felony drug offense, and thus the sentence upon his conviction for the offense under Title 21, United States Code, Section 841(a)(1) charged in Count Nine of the Indictment in this case shall include a term of imprisonment of not less than 20 years and not more than life, a fine not to exceed \$8,000,000, and a term of supervised release of not less than 10 years up to and including any number of years, pursuant to Title 21, United States Code, Section 841(b)(1)(A)(iii).

Dated: Chicago, Illinois  
August 26, 2007

Respectfully submitted.  
PATRICK J. FITZGERALD  
United States Attorney

By: \_\_\_\_\_

SHARON R. FAIRLEY  
Assistant United States Attorney  
219 S. Dearborn Street  
Chicago, Illinois 60604  
(312) 353-0589

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) No. 08 CR 401-16  
 ) Hon. James B. Zagel  
 DWAYNE GARRETT )

**Certificate of Service**

The undersigned Assistant United States Attorney hereby certifies that in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, L.R. 5.5 and the General Order on Electronic Case Filing (ECF), the **INFORMATION STATING PREVIOUS DRUG CONVICTION TO BE RELIED UPON IN SEEKING INCREASED PUNISHMENT**, was served pursuant to the district court's ECF system as to ECF filers, and that such filing will give notice to all parties.

By: /s/ Sharon R. Fairley  
SHARON R. FAIRLEY  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604  
(312) 353-0951